

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC., et al.,

Plaintiffs,

v.

J. BRADLEY KING, et al.,

Defendants.

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CASE NO. 1:12-cv-00800-WTL-TAB

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO DISCOVERY REQUESTS**

Defendants respectfully request an extension of time to respond to Plaintiff's discovery requests and this Court's Order under the Southern District of Indiana Local Rule 6.1(a). In support, Defendants state the following:

1. At the proceedings before Magistrate Judge Timothy Baker on February 3, 2014, the Court ordered the Defendants to produce responsive documents by February 17, 2014. That date has not yet passed.

2. As counsel for Defendants explained at the proceeding, Plaintiffs discovery request resulted in a large number of retrieved documents that would take some time to convert and review.

3. The Indiana Office of Technology ("IOT") retrieved approximately 120,000 distinct documents.

4. The information technology department ("IT") of the Attorney General's Office converted approximately 20% of the documents to a Concordance database (approx. 20,000 records). This data took days to download and was not complete until February 10, 2014.

5. The Defendants are working to review these documents both swiftly and deliberately.

6. There are currently four (“4”) persons designated to review documents among their other daily duties.

7. The Office of the Attorney General is only licensed to hold five (“5”) subscriptions to our document review software. Therefore, of the approximately 155 attorneys in the office only five persons are able to log-on to the document review software at any given time.

8. At counsel’s shrewd direction, as a more expeditious workaround, IT downloaded the additional documents into their native format for review (approx. 100,000 records) in order to avoid the delay of converting the additional documents and to avoid the significant delay based on the required license sharing.

9. The Defendants have currently reviewed approximately 10,000 documents thus far, and will produce the documents that have been identified as responsive to Plaintiffs today.

10. It should be noted, however, that, of the approximately 10,000 documents that have been reviewed, only approximately fifteen (“15”) of the documents were responsive.

11. There is no technological way to sort the data requested by Plaintiffs based on communications with counties. Communications to or from the counties often include a wide range of persons, a variety of email addresses, and may at times not even include a full name or specific county identifier.

12. The Defendants’ request and search terms are unduly burdensome. Without waiving this objection, the Defendants will continue to review and identify responsive documents and produce them to the Plaintiffs in a timely fashion.

13. The Defendants are using all resources available to them in order to produce these documents quickly, but, given the massive number of documents that need to be reviewed manually, they request an extension to **March 14, 2014**, to review and produce the documents requested through discovery.

14. In addition, the Defendants will schedule a batch production on February 28, 2014, to the Plaintiffs as well as provide them with a status of the review.

15. Counsel sent an email to Mr. Fedeli on February 17, 2014, to determine whether the Plaintiffs objected to request for an extension of time. A true and accurate copy of Mr. Fedeli's response is attached to this *Motion* as **Exhibit A**. Mr. Fedeli's response indicates that he objects to an extension until March 14, 2014, however, he fails to provide a reason for this objection other than he believes Defendants methods are questionable.

WHEREFORE, Pursuant to Southern District of Indiana Local Rule 6.1(a), the Defendants request an extension of time to **March 14, 2014** to produce the responsive documents.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

Date: February 17, 2014

By: /s/ Christina M. Clark
Christina M. Clark
Deputy Attorney General
Attorney No. 29868-49

OFFICE OF INDIANA ATTORNEY GENERAL
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 233-8213
Fax: (317) 232-7979
Email: Christina.Clark@atg.in.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2014, a copy of the foregoing *Defendants' Motion for Extension of Time to Respond to Discovery Requests* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Paul J. Orfanedes
JUDICIAL WATCH, INC.
porfanedes@judicialwatch.org

Chris Fedeli
JUDICIAL WATCH, INC.
cfedeli@judicialwatch.org

David R. Langdon
LANGDON LAW LLC
dlangdon@langdonlaw.com

Joshua B. Bolinger
LANGDON LAW LLC
jbolinger@langdonlaw.com

/s/ Christina M. Clark
Christina M. Clark
Deputy Attorney General

OFFICE OF INDIANA ATTORNEY GENERAL
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 233-8213
Fax: (317) 232-7979
Email: Christina.Clark@atg.in.gov